

REMARKS

Claims 15-33 are pending in the application. Of these claims, Claims 23-31 have been withdrawn from consideration. Claims 15-22 and 32 have been examined and stand rejected. Claim 33 is newly added in this amendment and response. Claims 1-14 have been canceled without prejudice.

In the Drawings

The Office Action states that the proposed drawing corrections and/or proposed substitute sheets and drawings filed on January 14, 2003 have been approved. The Office Action further states that a proper drawing correction or corrected drawings are required in reply to the Office Action. Applicants' prior response of January 14, 2003 did in fact include substitute drawings as well as marked up drawings showing the changes made to the drawings. Applicant respectfully submits that the prior submission constitutes a proper drawing correction. Nonetheless, applicants have attached a further set of substitute drawings pages 3, 4 and 5.

The Rejection of Claims 15, 16, 19, 20, and 32 Under 35 U.S.C. § 112, Second Paragraph

Claims 15, 16, 19, 20, and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In this regard, amendments have been made to Claims 15, 16, 19, 20, and 32, as suggested by the Examiner. The Examiner's assistance in this regard is appreciated.

The Rejection of Claim 15 Under 35 U.S.C. § 102

The Office Action opines that Claim 15 is clearly anticipated by Chenery, U.S. Patent No. 4,246,837, and by Murphy, U.S. Patent No. 4,423,671. Applicants respectfully disagree. Claim 15 specifies that the second conveyor run is capable of carrying the foodstuff portions from the first conveyor run on a second side of the foodstuff portions. In Chenery, the upper

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conveyor 21 does not carry the joint 30, but rather pushes the joint 30 forwardly using the three separate ribbed conveyor belts.

Moreover, in Murphy, the second driven conveyor 165 simply rides against the top surface of the meat to urge the meat downwardly past knife blade 159. Thus, the conveyor 165 in Murphy does not carry the meat 172 in the manner specified in Claim 15.

Nonetheless, Claim 15 has been amended to more specifically define the present invention and more clearly distinguish it from the cited art. In this regard, Claim 15 specifies that the second conveyor run is spaced from the first conveyor run and extends along the first conveyor run in an overlapping relationship with the first conveyor run of the location downstream from the infeed portion of the first conveyor run thereby to carry the foodstuff portions from the first conveyor run on the second side of the foodstuff portions wherein the foodstuff portions are no longer supported by the first conveyor run. Claim 15 has been further amended to specify that a vacuum source is in registry with the second conveyor run to act through the second conveyor run to cause the foodstuff portions to be carried by the second conveyor run but not by the first conveyor run. Claim 15 has been further amended to specify that the adjustable cutting device trims the first side of the foodstuff portions as the foodstuff portions are being carried by the second conveyor run but not by the first conveyor run.

These claim revisions are designed to clearly point out that the foodstuff portions are being supported by the second conveyor run through a vacuum system, and are not being supported by the first conveyor run, while the foodstuff portions are being trimmed. The present invention allows foodstuff portions to be placed on a first conveyor run and allowed to settle on the first conveyor run along the interface with the first conveyor run. Thereafter, the foodstuff portions are held or biased to the second conveyor run by the vacuum system, and thus the foodstuff portions are no longer supported by the first conveyor run. While being supported and

carried by the second conveyor run, the first sides of the foodstuff portions are trimmed so that the foodstuff portions achieve a desired thickness.

The foregoing structure is not disclosed or suggested by the cited references. In Chenery, the carcass 30 is cut by knife blade 24 while the carcass is being held between the lower belt 20 and the upper belt 21. This is satisfactory in Chenery since the purpose of the apparatus shown therein is simply to remove fat from relatively large meat carcasses, thus the distortion caused in the carcass 30 by the pressure of the upper and lower conveyors 21 and 20 pressing against the carcass is not significant.

Murphy also pertains to trimming the fat layer from large pieces of meat, such as shoulder hams. In Murphy, the conveyor 65 has a rough surface to urge the meat downwardly against a knife blade. Again, the distortion in the meat caused by the pressure of the conveyor 165 is not critical in that only the fat layer of large pieces of meat are being trimmed.

Applicants' invention, on the other hand, is capable of precisely cutting meat and other foodstuff portions to a desired thickness. The foodstuffs are not being compressed under the pressure of a second conveyor that has a rough surface or has crossribs to both press against the meat and push the meat forwardly past the cutting blade. In applicants' invention, on the other hand, the foodstuff is supported by a second conveyor run through the use of a vacuum system. This results in less distortion of the foodstuff portion while it is being cut or trimmed. For these reasons, applicants respectfully submit that Claim 15 as amended is neither disclosed or suggested by the cited art.

The Rejection of Claims 16-22 and 32 Under 35 U.S.C. § 103(a)

Independent Claim 32, as well as subclaims 16-22, were rejected as being obvious over Murphy in view of Boldrini, U.S. Patent No. 6,443,160. Applicants respectfully submit that by the foregoing revision to Claim 15, subclaims 16-22 are also now in condition for allowance.

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Moreover, Claim 32 has been amended in a manner somewhat similar to the amendments made to Claim 15. As such, Claim 32 also should now be found allowable.

Moreover, applicants further submit that Claims 16-22 and 32 are not rendered obvious in light of Murphy hypothetically combined with Boldrini, either before or after the amendments made to Claims 15 and 32 noted above. In this regard, the Examiner acknowledges that Murphy lacks a second conveyor operating under vacuum. The Examiner cites Boldrini as disclosing a vacuum conveyor. However, Boldrini pertains to an apparatus for forming cigarettes to which additives are applied to the tobacco. The cigarette forming machine of Boldrini is used for a substantially different purpose than the carcass and large meat cutters of Murphy; thus, applicants doubt whether Boldrini would even be considered to be relevant prior art.

In addition, there is no suggestion or motivation that would cause one skilled in the art to even consider attempting to combine the teaching of Boldrini with Murphy. Murphy pertains to trimming fat from large pieces of meat whereas Boldrini carries a very small, lightweight, tobacco rod 14 along the underside of the lower conveyor run 12 of conveyor 10. While it is practical to use a vacuum system to hold the lightweight tobacco against the conveyor, it is not practical to use a vacuum system to support large pieces of meat, such as piece 172 shown in Figure 10 of Murphy against the underside of conveyor 165. That is why the conveyor 165 has a rough surface to bite against the meat and force it forwardly. It would be impractical to attempt to hold a large piece of meat against the underside of conveyor 165 through a vacuum system. For these reasons, applicants submit that subclaims 16-22 and independent Claim 32 are not rendered obvious by Murphy hypothetically combined with Boldrini.

New Claim 33 has been added to further define the present invention shown in Claim 32. In that Claim 32 is now in condition for allowance, Claim 33 also should be found allowable.

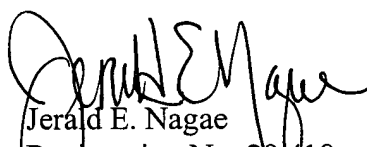
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CONCLUSION

Based on the foregoing amendments and remarks, applicants respectfully submit that all the pending claims in the present application are now allowable. If the Examiner has any further questions, the Examiner is invited to contact the applicants' attorney at the number provided below.

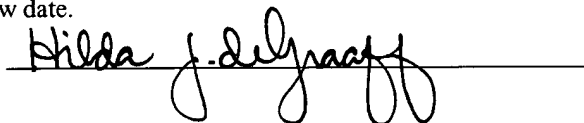
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: October 20, 2003



JEN:hjd

Attachment:

Drawing pages 3, 4 and 5

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